



**American Short Line and
Regional Railroad Association**

The Voice of America's Independent Railroads

December 7, 2005

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 Contract Street NW
Washington, DC 20423

Re: National Solid Waste Management Association, et al.
Petition for Declaratory Order, Docket No. FD-34776

Dear Secretary Williams:

On November 23, 2005 the Surface Transportation Board extended the time to comment in the above-referenced matter on the issue of whether the Board should institute a proceeding as requested by Petitioner in light of pending federal court litigation involving the same parties and issues. Petitioner would have the Board open a proceeding in order to declare that the operation of solid waste transfer facilities by railroads are not subject to the exclusive jurisdiction of the Surface Transportation Board and thus state and local laws and regulations are not preempted by the Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. §10501(b).

The American Short Line and Regional Railroad Association represents over 420 Class II and Class III railroads in the United States. The application of §10501(b) is a matter of vital concern to all its members. Should the Board decide to issue an order instituting a declaratory judgment proceeding sought by Petitioner, the American Short Line and Regional Railroad Association joins the Commonwealth of Massachusetts' request that the Board establish a reasonable comment period to allow the Association and other interested parties to submit written comments on the substantive issues presented in the Petition.

Respectfully,

Keith T. Borman
Vice President & General Counsel
American Short Line and Regional Railroad Association

Attachment: certificate of service

Certificate of Service

I hereby certify that a copy of the foregoing letter was served on the following persons by U.S. mail this eighth day of December, 2005:

Richmond, Stephen M.
Beveridge & Diamond, P.C.
45 William Street, Suite 120
Wellsley, MA 02481

Mcfarland, Thomas F
208 South Lasalle St Suite 1890
Chicago, IL 60604-1112

Giordano, Frank E.
Pollution Control Financing Authority Of
Camden County
729 Hylton Road
Pennsauken, NJ 08110

Marinakis, P.E., George
Cape May County Municipal Utilities
Authority
P. O. Box 610
Cape May, NJ 08210

Lam, Siu Tip
Commonwealth Of Massachusetts
One Ashburton Place
Boston, MA 01208

Mastrangelo, Michael
Bridgewater Resources, Inc.
15 Palhemus Lane
Bridgewater, NJ 08807

Robin B. Davidov
Northeast Maryland Waste
Disposal Authority
Tower li-Suite 402,
100 S. Charles Street
Baltimore, MD 21201

Ruch, Susan P.
Massachusetts Department Of
Environmental Protection Northeast
Regional Office
205B Lowell Street
Wilmington, MA 01887

Ferreira, James H.
New York State Department
Of Environmental Conservation
625 Broadway
Albany, NY 12233

Moates, G Paul
Sidley Austin Brown & Wood LLP
1501 K Street, N.W.
Washington, DC 20005

Hynes, Terence M.
Sidley Austin Brown & Wood, Llp
1501 K Street NW
Washington, DC 20005

Horowitz, Donald
24 Bergen Street
Hackensack, NJ 07601

Greenberg, Edward D
Galland Kharasch Greenberg Fellman &
Swirsky Pc
1054 Thirty-First Street NW
Canal Square
Washington, DC 20007-4492

Parker, Steven L.
Boston Mountain Solid
Waste District
11398 Bond Road
Prairie Grove, AR 72753

Honorable Robert Menendez
U S House Of Representatives
Wash, DC 20515



Keith T. Borman